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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Amendment of the Commission's
Rules Concerning Maritime
Communications

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PR Docket 92-257
RM-7956
RM-8031

To: The Commission

REPLY COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads ("AAR"), by its undersigned counsel, hereby submits its reply to comments filed with the Commission in response to the Commission's Notice of Proposed Rulemaking and Notice of Inquiry, released November 30, 1992.^{1/}

The comments received by the Commission regarding the proposal for interservice sharing of the so-called "Appendix 18" channels^{2/} reveal that the vast majority of respondents are indifferent to this proposal. Most of the comments by members of the maritime community did not deal with interservice sharing, presumably because this was not an important issue to the commenting parties. This matter, however, is critically important to AAR because sharing these frequencies could have a significant negative impact on the safety of railroad operations.

1/ By Order (DA 93-35), released January 15, 1993, the Commission granted various requests for extension of time to file comments and reply comments on June 1 and July 15, 1993, respectively.

2/ See Appendix 18 of the ITU Radio Regulations.

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Of all the comments filed in this proceeding by users of radio communications, only two addressed the issue of interservice sharing between the maritime industry and the private land mobile radio ("PLMR") licensees: one came from the Radio Technical Commission for Maritime Services ("RTCM"), and the other from the AAR submitted a response on behalf of the railroad industry.^{3/}

The claimed benefit of interservice sharing is reduced maritime frequency congestion. Assuming that interservice sharing achieved this benefit (which it will not), the costs associated with this benefit are too high because sharing frequencies will decrease the prospect of safe and reliable communications. As AAR demonstrated in its comments, the railroad industry cannot safely share its PLMR frequencies with the maritime industry because the areas where PLMR congestion is the highest are the same areas where maritime congestion is the highest. Not only is this the railroad industry's position, but it is also the position adopted by the maritime industry. RTCM in effect admitted that these frequencies cannot be safely shared when it requested that in "[d]efined geographical areas [these frequencies] should be designated for exclusive maritime use where congestion is severe." RTCM Comments in Response to the

3/ Two entities in the marine radio equipment manufacturing industry also commented on this issue, SEA, Inc. and The National Marine Electronics Association; AAR respectfully submits that the Commission should heed the views of users on this issue because it is the users (as opposed to equipment manufacturers) whose communications capability will be either enhanced or diminished by the proposed interservice sharing.

Notice of Inquiry, A-12 (emphasis added). Because both the maritime industry and the railroad industry agree that it is not feasible to safely share these frequencies, the proposal for interservice sharing of these frequencies should be withdrawn.

In summary, AAR urges the Commission to withdraw its proposal for sharing frequencies between the railroad industry and the maritime industry for the following reasons:

1. Both the railroad industry and the maritime industry agree that they cannot safely share frequencies because the areas of highest congestion are the same for each industry.

2. Sharing frequencies will not alleviate the most serious maritime congestion problems which are more effectively addressed by other measures in the Commission's proposal

CERTIFICATE OF SERVICE

I, Norma E. Rusnak, hereby certify that true copies of the
foregoing **REPLY COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS**